RECENT IMPORTANT DECISIONS

ADJOINING LANDOWNERS—LATERAL SUPPORT.—Defendant was sued for injuries to plaintiff's dwelling on an adjoining lot caused by defendant's having excavated on his lot after having given plaintiff notice of the intended excavation. *Held,* defendant, after having given plaintiff reasonable notice of the intended excavation, was not liable for injuries to plaintiff's building which resulted from defendant's "ordinarily careful excavation of his own lot." *Vandegrift, et al.* v. *Boward* (Md. 1916), 98 Atl. 528.

In the absence of statute it is well settled that a landowner who in excavating on his land injures a building on adjoining land is liable only if the injury has resulted from his negligence. *Pullan* v. *Stallman,* 76 N. J. L. 10, 56 Atl. 116; *Simon* v. *Nance,* 45 Tex. Civ. App. 480, 100 S. W. 1038. What a landowner intending to excavate on his land need do to protect himself from liability may not always be readily determined. The Maryland Supreme Court has held: (1), that notice of the proposed excavation is necessary, and that, after having given notice, the excavator must exercise "due care and skill, at his peril, to prevent injury to the adjoining landowner." *Shafer* v. *Wilson,* 44 Md. 268; (2), that failure to give notice is not necessarily fatal, and if notice is given there is no liability if the excavation is made with reasonable and ordinary care. *Bonaparte* v. *Wiseman,* 89 Md. 12, 42 Atl. 918, 44 L. R. A. 482; (3), that if notice has been given there is liability only for "actual and positive negligence in the manner of doing the work," and the excavator need not use "the same care that a prudent man would exercise in similar circumstances." *Serio* v. *Murphy, et al,* 99 Md. 545, 58 Atl. 435, 105 Am. St. Rep. 316; and (4), that the duty of a landowner whose property is liable to be injured, after having been notified, is merely to protect his property against an inevitable injury which might otherwise result from the most careful performance of the excavation. *Hanrahan* v. *Baltimore City,* 114 Md. 517, 80 Atl. 312. It would seem a task of no little difficulty to reconcile all of these pronouncements. A late Michigan case has made "reasonable precautions" necessary, the jury to determine what was reasonable. *Bissell* v. *Ford,* 176 Mich. 64, quoting *Gildersleeve* v. *Hammond,* 109 Mich. 431, 67 N. W. 519, 33 L. R. A. 46. A North Carolina case makes notice of the extent of the excavation necessary. *Davis* v. *Summerfield,* 131 N. C. 352.

BANKRUPTCY—SUSPENSION OF STATE LAWS.—A farmer appealed from an order declaring him insolvent and appointing a trustee to manage and dispose of his estate as provided by the state insolvency law. *Held,* that Congress by expressly exempting farmers from involuntary bankruptcy (§ 4b), to the extent of that exemption intended not to suspend the state insolvency laws. *Pitcher* v. *Standish,* (Conn. 1916), 98 Atl. 93.

There is no doubt that to the extent the state and national acts cover the same field the former is suspended. *Ketchum* v. *McNamara,* 72 Conn. 709,